

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW D. POWERS,  
Petitioner,

v.

STU SHERMAN, Acting Warden,  
Respondent.

No. C 10-00365 SBA (PR)

**ORDER LIFTING STAY AND  
REOPENING ACTION**

Petitioner, a state prisoner, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a reply to Petitioner's original petition. Dkt. 15.

On January 10, 2011, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust two new grounds. Dkt. 18.

Thereafter, Petitioner filed his traverse, in which he informed the Court that he requests to "dismiss moving forward on the[] separate grounds." Dkt. 20 at 7. The Court construes his request as a motion to reopen the action, lift the stay, and move forward on his original exhausted claims. Good cause appearing, Petitioner's motion to lift the stay is GRANTED.

The Clerk of the Court shall REOPEN this case and serve a copy of this Order and the traverse (dkt. 20) on Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his most current address. The Court will address the merits of Petitioner's original exhausted claims in a separate written Order.

Stu Sherman, the current acting warden of the prison where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATED: 5/30/2014

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge